REMARKS

Initially, applicants would like to express their appreciation to Examiner Olumide A. Akonai for the courtesies extended to attorney James Milton during a telephone conversation on March 25, 2011. The telephone conversation involved a discussion of the Office Action mailed on February 7, 2011. Examiner Akonai stated that the rejection under 35 U.S.C. § 101 from the prior Final Office Action had been overcome by the pre-appeal brief. However, the Lin reference, which had been cited in a rejection under 35 U.S.C. § 102 (b) in the prior Final Office Action, had been maintained in a rejection under 35 U.S.C. § 103 (a). Also, Examiner Akonai explained the current rejection under 35 U.S.C. § 112, second paragraph, and indicated that changing the term "one or more call parameters" to the term "at least one call parameter" would overcome the rejection under 35 U.S.C. § 112.

Claims 1-20 and 22-26 are pending in the application. Claims 1-20 and 22-26 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-20 and 22-26 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 112

Claims 1-20 and 22-26 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have avoided this ground of rejection by amended the claims to change the term "one or more call parameters" to the term "at least one call parameter" per an agreement with the Examiner.

In view of the foregoing, applicants respectfully request the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejections Under 35 U.S.C. § 103 (a)

Rejection Under Lin and Wong

Claims 1, 18 and 24 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over by U. S. Patent Application Number 2002/0025824 issued to Lin dated February 28, 2002 in view of U. S. Patent Number 7,039,403 issued May 2, 2006.

Applicants respectfully traverse this ground of rejection for the following reasons. First, applicants' claim 1 recites,

> "a network component operable to employ a) one or more call characteristics to make a determination to initiate a request to a switch component for one or more positions of one or more mobile stations and b) at least one call parameter to identify one or more cellular network cells associated with the one or more mobile stations, wherein the at least one call parameter employed to identify one of the one or more cellular network cells is a telephony number of at least one of the one or more mobile stations; and
>
> wherein the network component is operable to receive, in response to the request, the one or more positions of the one or more mobile stations from a position component operable to determine the one or more positions of the one or more mobile stations continuously; and
>
> wherein the network component comprises one of a magnetic data storage medium, an optical data storage medium, a biological data storage medium, or an atomic data storage medium."

As stated in the Office Action, Lin does **not** teach or suggest "the network component comprises one of a magnetic data storage medium, an optical data storage medium, a biological data storage medium, or an atomic data storage medium". The Examiner proposes to incorporate a network component as taught by Wong into the invention of Lin to achieve applicants' claim 1.

In the rejection of claim 1, the Examiner has equated applicants' "network component" to Lin's "base station that receives positions of cellular phones", as stated on page 5 of the Office Action. Also, the Examiner has equated applicants' "network component" to Wong's "HLR that has an optical or magnetic storage device", as stated on page 6 of the Office Action. In effect, the Examiner has asserted that applicants' "network component" is a "base station that receives positions of cellular phones" and a "HLR that has an optical or magnetic storage device". This is clearly different from what is claimed in applicants' claim 1, because applicants' claim 1 requires only one network component while the Examiner proposes two different elements to reject claim 1.

Second, applicants' "network component" can**not** be a base station as taught by Lin **and** a HLR as taught by Lin because the HLR in Wong's network is **not** equivalent

to the base station in Lin's network, so the combination is improper. As known by those skilled in the art, base stations, as used in Lin, are utilized in radio access networks to wirelessly communicate signaling and information content, e.g., conversations, over an air interface, and couple the received signaling and information content to a switch in a wireless network.

By contrast, Wong discloses a MSC that operates as a front end to a network by converting received wireless signals to electrical or optical form to communicate with the HLR. See column 1, lines 49-51. In effect, Wong's HLR communicates over wired or fiber connections. Since the HLR disclosed in Wong does **not** a) receive information content over an air interface and b) communicate information between a wireless phone and a switch, the HLR can**not** be considered equivalent to a base station. Thus, applicants' "network component" can**not** be both a base station and a HLR, and the proposed combination is improper.

Third, the proposed combination of Lin and Wong does **not** reflect the specific limitations recited in applicants' claim 1 since the resultant system would **not** be a properly functioning system. Specifically, Lin's network component, i.e., base station, is required to wirelessly communicate signaling and information content, e.g., conversations, over an air interface.

By contrast, Wong's network component, i.e., HLR, communicates via electrical or optical connections, as stated hereinabove. Since Lin requires an over the air interface, the system resulting from the proposed combination would **not** be a properly functioning system based on Wong. See MPEP 2143.02 (The Proposed Modification Can**not** Change the Principle of Operation of a Reference)

Therefore the proposed combination of Lin and Wong does not teach or suggest all of the limitations in applicants' claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-14, 16-17 and 22-26 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claim 18 has a limitation similar to that of independent claim 1, which, as shown above, is not taught by the proposed combination. For example, claim 18 recites, "wherein the network component comprises one of a magnetic data storage medium, an optical data storage medium, a biological data storage medium, or an

atomic data storage medium" and "determining the one or more positions of the one or more mobile stations continuously". The proposed combination does not teach this limitation for the above-mentioned reasons. Therefore, claim 18 is likewise allowable over the proposed combination. Since claims 19-20 depend from claim 18, these dependent claims are also allowable over the proposed combination.

Rejections Under Lin, Wong, O'Donnell, Alperovich and Powers

Claims 2-17, 19-20, 23 and 25 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lin in view of Wong and U. S. Patent Number 6,266,514 issued to O'Donnell on July 24, 2001.

Claim 22 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lin in view of Wong and O'Donnell as applied to claim 16, and further in view of U.S. Patent Number 6,233,448 issued to Alperovich et al. on May 15, 2001.

Claim 26 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lin in view of Wong and O'Donnell as applied to claim 4, and further in view of U.S. Patent Number 6,832,086 issued to Powers.

Applicants respectfully traverse these grounds of rejection.

These rejections are based on the rejection under Lin and Wong being proper. As that ground of rejection has been overcome, and none of the cited references teach or suggest "wherein the network component comprises one of a magnetic data storage medium, an optical data storage medium, a biological data storage medium, or an atomic data storage medium", as recited in applicants' independent claims 1 and 18, the proposed combinations of Lin, Wong, O'Donnell, Alperovich and Powers does **not** supply these missing elements. Thus, these combinations do **not** make obvious any of applicants' claims, all of which require the aforesaid limitation.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

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